

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MASTER D MUSIC RIGHTS, LLC,

Plaintiff,

v.

AZEALIA A. BANKS, *et. al.*

Defendants.

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Cause No.: 4:14-cv-00826

MOTION FOR DISMISSAL WITHOUT PREJUDICE

COMES NOW, Plaintiff, Master D Music Rights, LLC, by and through counsel and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, moves this honorable court to dismiss the above-captioned action WITHOUT PREJUDICE. In support of this Motion, Plaintiff further states as follows:

1. On or about August 5, 2015, this Court dismissed without prejudice Defendants Azealia A. Banks, Plastic Head Music Distribution, Ltd. (“Plastic Head”), and Asher Roth due to lack of service. Defendants Banks, Plastic Head and Roth are necessary parties to this instant action.

2. This case is in its preliminary stages. No scheduling order has been entered in this action, no counter-claims are pending, no discovery has begun, and remaining Defendant DatPiff, LLC will not be prejudiced by the voluntary dismissal without prejudice.

3. Plaintiff’s request for Voluntary Dismissal Without Prejudice is motivated by judicial economy, as Plaintiff’s claims depend on all Defendants to be present in this action. Plaintiff will be prejudiced in continuing this action without the necessary Defendants.

4. In ruling on a motion for voluntary dismissal pursuant to Rule 41(a)(2), the Eighth Circuit directs the district court to consider the following factors: "whether the party has presented a proper explanation for its desire to dismiss; whether a dismissal would result in a waste of judicial time and effort; and whether a dismissal will prejudice the defendants." *Mullen v. Heinkel Filtering Sys., Inc.*, 770 F.3d 724, 728 (8th Cir. 2014) (internal quotations omitted).

For the foregoing reasons, Plaintiff Master D Music Rights, LLC hereby requests this Honorable Court dismiss the above-captioned action WITHOUT PREJUDICE and for any and all other relief that this Honorable Court deems just and proper.

Respectfully submitted,

KAYIRA LAW, LLC

By: /s/ Eric F. Kayira

Eric F. Kayira, #50672MO
Irene Costas, #60825MO
200 S. Hanley Road, Suite 208
St. Louis, Missouri 63105
(314) 899-9381
(314) 899-9382 facsimile
eric.kayira@kayiralaw.com
irene.costas@kayiralaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system, on this 9th day of September, 2015 to all counsel of record.

/s/ Eric F. Kayira